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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,370	06/03/2005	Siegfried Ruthardt	R.305551 2637	
2119 7590 02/13/2007 RONALD E. GREIGG GREIGG & GREIGG P.L.L.C.			EXAMINER	
			FRISTOE JR, JOHN K	
1423 POWHATAN STREET, UNIT ONE ALEXANDRIA, VA 22314		NE	ART UNIT	PAPER NUMBER
,			3753	
		<del></del>		
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/13/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

			XI			
	Appl	ication No.	Applicant(s)			
		37,370	RUTHARDT ET AL.			
Office Action Summary	Exan	niner	Art Unit			
		K. Fristoe Jr.	3753			
The MAILING DATE of this comp Period for Reply	nunication appears o	n the cover sheet with the	correspondence address			
A SHORTENED STATUTORY PERIO WHICHEVER IS LONGER, FROM TH  - Extensions of time may be available under the proving after SIX (6) MONTHS from the mailing date of this If NO period for reply is specified above, the maximuter Failure to reply within the set or extended period for Any reply received by the Office later than three more earned patent term adjustment. See 37 CFR 1.704(	E MAILING DATE O sions of 37 CFR 1.136(a). In communication. In statutory period will apply reply will, by statute, cause thaths after the mailing date of the safter	F THIS COMMUNICATION  The event, however, may a reply be to the expire SIX (6) MONTHS from the application to become ABANDON	N. imely filed in the mailing date of this communication. ED (35 U.S.C. § 133).			
Status						
1) Responsive to communication(s	) filed on <u>26 <i>January</i></u>	<u>2007</u> .				
2a)⊠ This action is <b>FINAL</b> .						
• • •	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
closed in accordance with the pr	actice under Ex part	e Quayle, 1935 C.D. 11, 2	153 O.G. 213.			
Disposition of Claims						
4) Claim(s) 8,11,17,20,22 and 25 is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.	. (a.a. aaia ata d					
6)⊠ Claim(s) <u>8,11,17,20,22 and 25</u> is 7)□ Claim(s) is/are objected t						
•		ion requirement.				
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.  10) The drawing(s) filed on <u>03 June 2005</u> is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119	•					
		dan 25   1 C C   \$ 110/				
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)⊠ All b)□ Some * c)□ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3.⊠ Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date						
3) X Information Disclosure Statement(s) (PTO/SB	3) Information Disclosure Statement(s) (PTO/SB/08)  5) Information Disclosure Statement(s) (PTO/SB/08)					
Paper No(s)/Mail Date <u>1/26/2007</u> . 6)						

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### **DETAILED ACTION**

### Response to Arguments

1. Applicant's arguments filed 12/8/2006 have been fully considered but they are not persuasive. Although the examiner agrees that the lower portion of element (69) is not a "washer", element (69a) is a washer and the o-ring (69b) is between the annular collar (portion of element 69 above element 69b) and the washer (69a). Therefore since the rejection is still based on Majima et al., the instant Office action has been made final.

## Information Disclosure Statement

2. The information disclosure statement filed 1/26/2007 is acknowledged by the examiner.

# Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4. Claims 8, 11, 17, 20, 22, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,129,489 (Majima et al.). Majima et al. discloses a valve for controlling fluids comprising a holder body (59), a receptacle (within element 59 in figure 3), a piezoelectric actuator unit (67FL), a hydraulic coupler module (69, 71, 71a), a positioning piston (69), an actuating piston (71a), a hydraulic coupler (71), a valve closure member (77), at least one valve seat (71c), a valve chamber (55), a return conduit (88c), a seal (69b) which is an o-ring, an annular groove (holds element 69b in figure 6), an annular collar (upper half of element 69 in figure 3), a positioning washer (69a), wherein the receptacle (within element 59 in figure 3) has a

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first diameter (upper portion of element 59 in figure 3) and a second diameter (lower portion of element 59 in figure 3), wherein the seal (69b) is in the region of the second diameter (lower portion of element 59 in figure 3), and an insertion bevel (transition between the first diameter and the second diameter in figure 3).

#### Conclusion

5 THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Fristoe Jr. whose telephone number is (571) 272-4926. The examiner can normally be reached on Monday-Friday, 7: 00 a.m-4: 30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric S. Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner

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JKF